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REMARKS

Claim Rejections – 35 USC § 102

Claims 1-37 have been rejected under 35 U.S.C. 102(e) as being anticipated by Kaminkow (U.S. Patent Publication No. 2008/0051193). Applicant submits the claimed invention is patentable over Kaminkow for the following reasons.

Claims 1, 12, 20, 30, 34, and 37

Applicant submits that the claimed invention and Kaminkow's invention are directed to distinct issues and for this reason Kaminkow fails to teach the invention as claimed. Specifically, the claimed invention is directed to anonymous and non-anonymous player tracking where the period of anonymous tracking is a temporary condition. Once player information is provided both future activities and previously tracked anonymous activities become associated with the player and therefore are no longer anonymous. Kaminkow is directed to allowing anonymous loyalty point accumulation and redemption. For this reason, Kaminkow is directed to keeping previously tracked activity anonymous and therefore fails to teach elements of the claimed invention and also teaches away from the claimed invention.

Applicant has amended Claim 1 to claim a system for tracking anonymous and non-anonymous individual activity, namely wagering activity. The claimed invention is beneficial in that it allows an individual's activity to be tracked anonymously as soon as the individual receives a transponder (Specification ¶ 29). Thus, the system does not require an individual to fill in a registration form or provide other player information before his or her activity may be tracked. As is known, such registration is often a hindrance to getting individuals to sign up to or

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enroll in player tracking systems. In some cases, registration even prevents individuals from enrolling despite the benefits the individual may reap from enrollment.

As claimed, the system tracks individual activity anonymously by collecting wagering information at an interactive device and transmitting the wagering information to a central site for storage in a database. The database receives the wagering information and stores the wagering information anonymously in the database. The wagering information is stored anonymously in that no player information is associated with the wagering information. Thus, prior to receipt of the individual's player information, his or her wagering information is still tracked and stored in an anonymous manner by the claimed invention.

The system, as claimed, provides the additional benefit of allowing anonymous wagering information to be later associated with player information. In other words, once an individual provides his or her player information, new activities (i.e., wagering information) will be tracked non-anonymously, and previously stored wagering information will also be associated with the player information (thus becoming non-anonymous). The individual may provide the player information at any time. This is highly beneficial in that, as the individual's anonymous wagering information grows, he or she may accumulate points that may be redeemed for cash or other awards (Specification ¶28). The individual may then be encouraged or enticed to provide player information to be permitted to redeem the points for an award (Specification ¶ 28). Once the player information is received by the system, the gaming or other establishment has access to this valuable demographic information. In this manner, both the individual and the establishment benefit.

The ability to track anonymous individual activity and later associate the activity with a particular individual is provided by a combination of claimed elements. As claimed, a

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management module associates a registration form to a transponder with a transponder identifier. In this manner, the registration form identifies the transponder thus allowing player information later collected on the registration form to be associated with the transponder. The registration form and transponder may be provided to the individual at the same time. The transponder may be immediately used after the individual receives it at the remote site (Specification ¶ 29). The individual may later (even much later) provide his or her player information via the registration form.

As claimed, when the player information is received via the registration form it is associated with the individual's previously tracked activities by the management module. This is possible because the management module previously associated the registration form with the individual's transponder. Thus, upon receipt of a completed registration form, the management module may associate its player information with previously tracked activities collected via the individual's transponder. Once the player information is stored, subsequent tracking of the individual's activities is no longer anonymous because the subsequent activities are stored associated with the player information in the central site's database.

Applicant submits that Kaminkow does not teach numerous elements of the claimed invention as amended and that, in fact, Kaminkow teaches away from the claimed invention. Kaminkow is directed to a flexible loyalty points program where a loyalty program system tracks a player's accumulated loyalty points. In contrast to the claimed invention, Kaminkow is incapable of associating prior anonymous activity with an individual once the individual has provided personal information as in the claimed invention.

Further, Kaminkow does not teach the claimed management module (or any similar device) which is configured to first associate a registration form with a transponder and then later

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to associate player information received via the registration form to an individual's activities tracked via the transponder. Kaminkow also does not teach the claimed registration form which includes a transponder identifier that identifies the player's transponder. The transponder identifier as claimed, is used by the management module to both associate previously collected anonymous activities and future activities of the individual with the player information received via the registration form.

Kaminkow also teaches away from these elements. This is because Kaminkow is directed to a loyalty point system where loyalty points may be accumulated and redeemed anonymously. As stated in Kaminkow:

[0099] FIG. 5 is a flow chart depicting a method of rewarding loyalty points accrued anonymously on a gaming machine. In 500, a gaming machine receives an input of some type from a game player that has not provided any identification information, such as player tracking information. ... After the amount of loyalty points accrued during the game play session have been determined, some or all of the accrued loyalty points may be awarded to the game player. For instance, a player that does not have a loyalty program account may be awarded a higher fraction of the accrued points than a player that already has an account to encourage the player without an account to sign up for a new account.

As explicitly stated, Kaminkow is teaches a method of rewarding loyalty points accrued anonymously. After the amount of points is determined, the points may be awarded to the player regardless of whether the player has a loyalty program account (i.e., has been identified). Kaminkow also states:

[0061] When the loyalty point instrument is issued to the player, various types of transaction information may be recorded on the loyalty point instrument and may also be stored to another memory location on the gaming machine 100, on the loyalty program instrument server 120, on the player tracking server 120 or some other gaming device. ... The transaction information stored on the loyalty point instrument and stored at the additional memory location may be compared to validate the loyalty point instrument. For instance, a player may wish to have the loyalty points stored on the ticket voucher to be later credited to their player tracking account or to redeem the points directly for a goods and services item without crediting the player's player tracking account. In some cases, the player

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may not even have a player tracking account. To credit or to redeem the loyalty points stored on the loyalty point instrument, the transaction is first validated. Specific examples of the loyalty point instrument validation process and other uses of loyalty point instruments are described with respect to FIGS. 3-8.

As can be further seen, loyalty points may be redeemed directly by anonymous players. This is shown by the fact that the points may be redeemed regardless of whether or not the player has a player tracking account.

By allowing players to redeem loyalty points anonymously, Kaminkow encourages players to never provide player or identification information to a casino or other establishment. In fact, Kaminkow explicitly states that multiple loyalty point instruments may be used by an individual at different games or for different activities (Kaminkow ¶ 70). An individual may even combine points from multiple loyalty point instruments and redeem these points without providing player or identification information (i.e., anonymously).

From the perspective of player tracking (the subject matter to which the claimed invention is directed), Kaminkow is undesirable because it encourages players not to identify themselves. In Kaminkow, players may each have numerous separate loyalty point collections and the establishment is unaware of which player holds which of the one or more of these collections. For example, a player may be issued a new loyalty program instrument for each activity the player has engaged in. This negates at least some of the benefit in implementing a player tracking system. With anonymous point redemption, the establishment is deprived of complete tracking information regarding the player's activities. In contrast, the claimed invention is directed to a tracking system that allows a period where activity is tracked anonymously followed by non-anonymous tracking. This allows the player's activities to immediately be tracked and subsequently associated with the particular player giving the gaming or other establishment a complete tracking information regarding the individual's activities.

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Applicant notes that, as quoted above, Kaminkow discusses some type of loyalty point validation process before the points may be redeemed. This validation process is directed to confirming transaction information regarding the points (Kaminkow ¶ 61) and does not involve collecting player information or identification information for an individual. Thus, the individual remains anonymous during and after point redemption.

Applicant also notes that Kaminkow discusses “awarded points may be credited to the player’s player tracking account after the player provides identification information to the gaming machine.” (Kaminkow ¶ 92). This does not teach associating previously collected anonymous activity with player information. First, it is explicitly stated that identification information is provided only to credit points to an existing player tracking account and not to associate previously collected anonymous activity with player information.

Second, in contrast to the claimed invention, Kaminkow contemplates crediting an existing player tracking account. For this reason, Kaminkow lacks a beneficial feature provided by the claimed invention. Namely, Kaminkow requires the player to sign up or register for its player tracking account prior to allowing crediting of award points to the account. In contrast, the claimed invention stores player information from a registration form to create a tracking account and automatically associates prior anonymously tracked activity with the account when player information is received via a registration form.

Claims 4 and 24

Applicant has amended Claims 4 and 24 to claim wagering information or tracking activity including points where the points have a monetary value and are redeemable only after player information has been received from a registration form. Kaminkow does not disclose

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redeeming points only after player information has been provided. Indeed, as set forth above, Kaminkow explicitly allows points to be accumulated and redeemed anonymously. Thus, Kaminkow also teaches away from the claimed invention.

In the claimed invention, because points cannot be redeemed prior to receipt of player information (Specification ¶ 28), the individual is enticed or encouraged to provide player information. This is highly beneficial in that it allows previously tracked anonymous activities to be associated with a particular individual. In addition, once player information is provided, future activities may be associated with the individual as well.

Claims 2-3, 5-11, 13, 15-19, 21-23, 25-29, 31-33, and 36

Applicant asserts that, among other reasons, Claims 2-11, 13, 15-19, 21-23, 25-29, 31-33, and 36 are patentable over Kaminkow because, as argued above, Kaminkow does not teach each and every element of independent Claims 1, 12, 20, 30, and 34 from which these claims depend.

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SUMMARY

Applicant has amended Claims 1-6, 8, 12, 20-21, 24-27, 29-34, and 36-37. Applicant has canceled Claims 14 and 35. For the above reasons, Applicant respectfully asserts that the pending Claims 1-13, 15-34, and 36-37 are now in a condition for allowance and requests notice as to the same.

Respectfully submitted,

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